

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

CONGOLEUM CORPORATION, *et al.*,

Debtors and Debtors-in-Possession.

CONGOLEUM CORPORATION, Debtor-in-  
Possession,

OFFICIAL COMMITTEE OF BONDHOLDERS  
OF CONGOLEUM CORPORATION, *et al.*, As A  
Representative of the Debtors-In-Possession,

Plaintiffs,

v.

ARTHUR J. PERGAMENT, as the Collateral  
Trustee of the Collateral Trust, on behalf of  
Claimants Holding Claims in Class-2 – Secured  
Asbestos Claims of Qualified Pre-Petition  
Settlement Claimants and Class 3 – Secured  
Asbestos Claims of Qualified Participating  
Claimants, *et al.*,

Defendants.

Chapter 11

Case No. 03-51524 (KCF)

Jointly Administered

Honorable Judge Kathryn C.  
Ferguson

Adv. Pro. No. 05-06245

Adv. Pro. No. 05-06461

**ORDER CONCERNING JOINT MOTION FOR LEAVE TO FILE  
AMENDED COMPLAINTS IN THE OMNIBUS AND  
SEALED AVOIDANCE ACTIONS**

The relief set forth on the following page, numbered two (2), is hereby **ORDERED**.

Debtors: Congoleum Corporation, et al.  
Adversary  
Proceeding Nos.: 05-06254 and 05-06461  
Caption of Order: Order Concerning Joint Motion for Leave to File Amended  
Complaints in the Omnibus and Sealed Avoidance Actions

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Upon the Joint Motion of Congoleum Corporation (“Plaintiff,” and with Congoleum Sales, Inc. and Congoleum Fiscal, Inc., collectively, the “Debtors”) along with a Representative of the Debtors-in-Possession, the Official Committee of Bondholders of Congoleum Corporation, *et al.* (the “Bondholders’ Committee,” collectively with the Debtors, the “Plaintiffs”), for Leave to File a Fourth Amended Complaint in the Omnibus Avoidance Action and the First Amended Complaint in the Sealed Avoidance Action (the “Joint Motion”); and it appearing that the relief requested in the Joint Motion is in the best interests of the Debtors’ estate and creditors; and the Court having considered the Joint Motion and any objections filed thereto; and good cause appearing for entry of the Order;<sup>1</sup>

**IT IS ORDERED** that:

1. The Joint Motion is hereby granted.
2. Plaintiffs are hereby authorized to file the Fourth Amended Complaint in the Omnibus Avoidance Action and is directed to serve the Fourth Amended Complaint on the defendants to this Avoidance Action in accordance with the terms of the Court’s Case Management Order and Notice Procedures Order.
3. Consistent with the December 28, 2005 Stipulation and Order Relating to the Preservation of Certain Claims, Plaintiffs are also authorized to file the First Amended Complaint in the Sealed Avoidance Action under seal.

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<sup>1</sup> All capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

4. The amendments of parties made to the Fourth Amended Complaint in the Omnibus Avoidance Action and the First Amended Complaint in the Sealed Avoidance Action shall relate back to the filing of the original complaints in each respective Avoidance Action pursuant to Rule 15(c)(3) of the Federal Rules of Civil Procedure.